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EXAMINER

DEBERADINIS, ROBERT L

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/735,697  
Filing Date: December 12, 2000  
Appellant(s): LEE, NOEL

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JOHN E. NIELSON  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 11/15/12 appealing from the Office action mailed 2/3/12.

**(1) Grounds of Rejection to be Reviewed on Appeal**

Every ground of rejection set forth in the Office action dated 2/3/12 from which the appeal is taken is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

The following ground(s) of rejection are applicable to the appealed claims.

The appealed claims 58-66 are rejected with the same rejection used to reject the previous set of claims presented to the Board in Appeal 2010-002446 wherein the Board confirmed the Examiner's rejections of the claims 49-62. The appealed claims 58-66 may not be identical but they are not patentably distinct from each other except for claim 67 wherein the Applicant claims overcurrent and noise protection elements to the claimed invention. The Examiner takes official notice (page 5, 8/31/11 non-final) in rejecting this claim since power cord plug strips are well known in the art and commonly known to have surge suppressers and circuit breakers built into them to protect the computers and peripheral devices that are plugged into them.

**(2) Response to Argument**

The Applicant argues that the Examiner has interpreted the hatching around the AC outlets, disclosed in the Dwight reference, as color markings for selectively identifying one AC outlet from another and speculating that one having ordinary skill in the art could have interpreted the hatching as color markings and claims that the

Examiner has read into the cited references claim elements that he admits are not in the references cited.

The Examiner would like to draw the attention to the same argument made in the Appeal 2010-002446, Analysis of obvious rejection on Dwight and Barna, pages 4, 5 of the decision of 03/24/2011.

Next, Applicant argues, the Examiner has not identified the currently pending elements and applied the references directly to them. For instance, the Office Action does not state which, if any, reference comprises the claimed elements of assigning a separate and distinct color-coded outlet for selectively identifying each outlet of said power strip, and assigning to each color-coded outlet a different color from any other such color-coded outlet.

Instead, the Examiner inexplicably argues that Barna reference discloses a system and method using a color coded tag to tag a power cable of a device, which is not currently claimed. It appears this section of the Office Action was cut and pasted from a previous, outdated Office Action and is not relevant. However, such action may be probative of the Examiner's failure to give proper consideration to the currently pending claims.

Barna reference discloses color coded tag to tag a power cable or device, the Barna reference alone does not disclose the Applicant's invention, it's the combination of the cited references that disclose the Applicant's invention. Referring to 2/3/12 final rejection the claims 58-67 are rejected under Dwight in view of Barna in view of Moss. Dwight teaches different hatching for each electrical outlet (see figure 1), thus teaching

that each outlet is unique. Barna teaches the use of color coded tags 68 on cables that match a color code (on alignment strip 40) adjacent a port. Moss teaches the use of indicia with color to identify wires and circuits (abstract). The motivation for combining the references is provided in the final rejection of 2/3/12.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Robert DeBeradinis/

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TQAS TC 2800